IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1532 OF 2005

Ramesh Govind Khadkar .. Applicant.

V/s.

The State of Maharashtra .. Respondent.

Arif Shaikh & Abdul Majid Bandarkar for the Applicant.
Shri A.S.Gadkari, APP for the Respondent-State.

CORAM : A.M.KHANWILKAR, J.
DATED : MARCH 14, 2005

PC :-

1. Heard counsel for the parties.

2. This application is for modifying the condition imposed by this court, requiring the applicant not to enter the jurisdiction of Kalamboli Police Station till investigation is completed. It is not in dispute that the chargesheet is yet to be filed. The applicant has approached this court on the argument that the applicant is the only earning member in his family and his old aged parents are unwell and the condition not to enter the jurisdiction of Kalamboli Police Station, is no more required to be observed, as investigation has progressed

substantially.

3. This application is however, resisted by the learned APP. On instructions, it is stated that there is apprehension that if the applicant is permitted to enter the jurisdiction of Kalamboli Police Station, he may resort to violence or influence the prosecution witnesses.

4. Taking over all view of the matter, I see no propriety in modifying the conditions imposed by me vide order 01st February, 2005. The said conditions have been imposed keeping in mind that there are already three offences registered against the applicant. Besides, according to the prosecution, the applicant may tamper with the prosecution evidence or resort to violence afresh.

5. In the circumstances, this application is rejected.

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